

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-17 remain pending in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claims 1-17 were rejected under 35 U.S.C. § 102(e) as being anticipated by Iwase (U.S. Patent No. 6,255,008). Claim 1 recites that a fuel cell vehicle comprises a fuel cell power system which generates power using hydrogen and oxygen, a motor for a vehicle drive which runs by receiving the power supplied from the fuel cell power system, and a controller functioning to compute an electrical load demand required for running the vehicle, operate the fuel cell power system under a constant load regardless of the electrical load demand, when the electrical load demand is smaller than a predetermined load, and operate the fuel cell power system under a load according to the electrical load demand, when the electrical load demand is larger than the predetermined load.

In the Response to Arguments on page 3 of the Office Action, it is asserted that the fuel cell of Iwase would operate at a constant load if the SOC remained at a constant level, and that the claims fail to define over the Iwase. Applicant respectfully disagrees with this assertion.

First of all, the assertion that Iwase would operate at a constant load if the SOC remained at a constant level is not correct. In Iwase, the SOC becomes constant only when the battery 40 is disconnected from the inverter 44. According to Fig. 3, the battery 40 is disconnected at S30 and S52. In particular, at step S30, if the SOC is 100%, the control unit 20 controls the cutoff switch 41 to turn the cutoff switch 41 off so that the battery 40 is electrically disconnected from the inverter 44, the bypass 48, and the DC/DC converter 38 (column 8, lines 5-8). Similarly, at step S52, if it is determined that the SOC is greater than 60%, the control unit 20 also controls the cutoff switch 41 to turn the cutoff switch 41 off so

that the battery 40 is electrically disconnected from the inverter 44, the bypass 48, and the DC/DC converter 38 (column 10, lines 35-40).

In this state, where the fuel cell 36 is connected to the inverter 44 via the bypass 48 while the battery 40 is disconnected from the inverter 44, the power corresponding to the required output of the inverter 44 is extracted from the fuel cell 36 and is supplied to the inverter 44 via the bypass 48 without being conducted via the DC/DC converter 38 and without being stored into the battery 40 (column 8, lines 15-23 and column 10, lines 48-56). This means the load of the fuel cell 36 varies according to the required output of the inverter 44, even when the SOC remains at a constant level.

Moreover, the assertion in the Response to Arguments does not address the arguments made in the Amendment of October 14, 2004. As pointed out in that Amendment, Iwase merely discloses comparing the required output of the inverter 44 to the expected output power of the fuel cell 36 to determine if charge from the battery 40 is needed. In other words, Iwase does not compare the required output to a predetermined load to determine whether to operate the fuel cell under a constant load or a load according to the electrical load demand. Iwase therefore fails to disclose or suggest operating the fuel cell power system under a constant load regardless of the electrical load demand when the electrical load demand is smaller than a predetermined load, and operating the fuel cell power system under a load according to the electrical load demand when the electrical load demand is larger than the predetermined load as recited in claim 1.

Furthermore, in the rejection, it is asserted that the predetermined load (or value) is the 60% SOC. The SOC is the state of charge of the battery 40, and the 60% value is used to determine whether the battery 40 is sufficiently charged or not. However, Iwase clearly fails to disclose or suggest comparing the required output (i.e., the electrical load) to the 60% value, and does not use the 60% value to determine whether to operate the fuel cell under a constant load or a load according to the electrical load demand. Put differently, the SOC is not the electrical load demand, and the 60% value is not a predetermined load. Rather, the SOC is a measure of charge stored in the battery, which has nothing to do with the electric load demand, and the 60% value is a cutoff level for charging the battery, not a predetermined

load to determine how to operate the fuel cell power system. Accordingly, for all of these reasons, claim 1 is patentably distinguishable from Iwase.

Claims 2-15 are also patentably distinguishable from Iwase by virtue of their dependency from claim 1, as well as their additional recitations. Claims 16 and 17 are patentably distinguishable from Iwase for reasons analogous to claim 1, as discussed above.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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